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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,345	06/14/2007	Takashi Inubushi	09867/0204692-US0	5514
7278	7590	01/14/2010	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			JONES, MARCUS D	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,345	<b>Applicant(s)</b> INUBUSHI ET AL.
	<b>Examiner</b> Marcus D. Jones	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 October 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

The amendment filed 27 October 2009 in response to the previous Non-Final Office Action (8 July 2009) is acknowledged and has been entered.

Claims 1-4 are currently pending.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hara (US 5,212,368).**

In reference to claim 1, Hara discloses: A game system for playing a battle game in which a character which is an operation target of a player and an opponent make an attack on each other based on information recorded in a character card and an attack content card, the card game system comprising: a reading device configured to read the information recorded in the character card and the attack content card (col 2, ln 31-33, *The card reader unit is operable to read game parameter data stored in this embodiment as a bar code card*); a character information storage device configured to store character information that is information about offensive abilities of the character in association with character identification information for identifying a type of the

character, an attack content information storage device configured to store information about a degree of difficulty of an attack, content of the attack, and attack information including a magnitude of the attack on the opponent made according to the attack content in association with attack content identification information for identifying a type of the attack content; a control information storage device configured to store attack control information set based on the information about the offensive abilities and the information about the degree of difficulty in association with the character identification and the attack content identification information, wherein the character identification information is stored in the character card corresponding to the character identification information, and wherein the attack content identification information is stored in the attack content card corresponding to the attack content identification information (col 2, In 58-col 3, In 16, *The plurality of different cards include player cards and condition cards. A player card has a visual representation of a character soldier, and a bar code which stores game parameter data for that character soldier. The game parameter data for each character soldier includes power data, offensive data and defensive data corresponding to the power, offensive strength and defensive strength, respectively, of the character soldier. The condition cards include power cards, weapon cards and protector cards. The power cards are used to modify the game parameter data of a particular character soldier by enhancing or detracting from the power data included within the parameter data for the particular character soldier. Each power card also includes a visual representation of an object. For example, one of the power cards includes a picture of a battery. Likewise, the weapon cards are used to modify the*

*offensive data included within the game parameter data for a particular character soldier. Each weapon card includes a visual representation of an object. For example, one of the weapon cards includes a picture of a hammer. Similarly, the protector cards are used to enhance or detract from the defensive data included within the game parameter data for a particular character soldier. Each of the protector cards also includes a visual representation of an object. For example, one of the protector cards includes a picture of a toothbrush.); the card game system further comprising: a character setting device configured to set, when the character identification information stored in the character card is read by the reading device, the character identification information as the operation target (col 3, ln 42-44, *player 1 may elect to operate the battle key to initiate an attack on player 2*); an attack control device configured to read, when the attack content identification information stored in the attack content card is read by the reading device after the character identification information is set by the character setting device, the attack control information associated with the attack content identification information and character identification information set as the operation target from the control information from the control information storage device, to read the magnitude of the attack associate with the attack content identification information from the attack content information storage device, and to control the magnitude of the attack based on the attack control information, a control information update device configured to read, when the specific conditions corresponding to the character identification information and the attack content identification information are satisfied, the attack control information associated with the character identification*

information and the attack content identification information corresponding to the specific conditions from the control information storage device to change a content of the attack control information, and to update the content of the attack control information to the changed content of the attack control information (col 6, In 7-14, *a condition amount included within the game parameter data of condition card is displayed in the opposite of the fields 4f, 4f' to the power data which is affected by the condition. The calculation unit changes the game parameter data for either player in accordance with the condition amount included within the game parameter data of the condition card.* And col 3, In 38-42, *If a player decides to depress the power key, the calculation unit determines an amount of power data to be added to the existing power data displayed on the display unit. ); a result device configured to obtain a status result that can influence the opponent according to the magnitude of the attack controlled by the attack control device (col 3, In 44-47 and col 6, In 28-33, *the calculation unit determines whether a hit or miss occurred and, when a hit occurs, calculates the amount of damage to be deducted form the power data of the other player and an on-target decision unit of the calculation unit determines whether a hit or miss occurred . The determination may be based upon the offensive data of the offensive player and the defensive data of the defensive player or a predetermined ratio of hits to misses. ).**

In reference to claim 2, Hara further discloses that the calculation unit changes the game parameter data for either player in accordance with the condition amount included within the game parameter data of the condition card (col 6, In 10-14). Hara

also discloses that the game unit prompts an operator to insert a card at an appropriate time during game play (col 4, ln 3-6).

In reference to claim 3, Hara further discloses If a player decides to depress the power key, the calculation unit determines an amount of power data to be added to the existing power data displayed on the display unit.(col 3, ln 38-42).

In reference to claim 4, Hara further discloses that the power cards are used to modify the game parameter data of a particular soldier by enhancing or detracting from the power data included within the parameter data for the particular character soldier. Likewise the weapon cards are used to modify the offensive data for a particular character soldier (col 3, ln 1-8).

***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.

4. With respect to claim 1, the Applicant asserts that "Hara fails to disclose and teach that the condition amount is updated when a predetermined condition is satisfied. Additionally, Hara fails to disclose and teach that the condition amount is associated with the character and the parameter to be changed."

The Examiner respectfully disagrees.

Firstly, Hara does in fact disclose that a predetermined condition must be satisfied. Hara discloses that the calculation unit must determine which player will proceed first to play (col 3, ln 34-53). After this condition is met, the calculation unit

Art Unit: 3714

determines the effects of the attack card on the other player. The Applicant has not specifically disclosed within the Specification the content of a predetermined condition, only that the condition may be satisfied before or after game play has begun. The Applicant has further asserted that the parameters of every character soldier will be affected identically by each condition card. However, as claimed, Hara meets all the limitations of claim 1. The Applicant is invited to positively claimed those limitation in which the Applicant believes clearly distinguishes the present invention from the prior art of record.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714

/John M Hotaling II/  
Primary Examiner, Art Unit 3714